

## NAYS—10.

Boren,	McKinney,
Dickson,	Presler,
Douglass,	Steele,
Jester,	Swayne,
Lawhon,	Tips.

## ABSENT—1.

Greer.

## EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

By Senator Simpson:

Amend pages 4 and 5 by striking out all of section 5 of this act.

Lost.

Senator Imboden called up his motion to reconsider the vote by which the second committee amendment was lost.

The motion to reconsider was lost by the following vote:

## YEAS—10.

Baldwin,	Greer,
Boren,	Imboden,
Bowser,	Presler,
Crowley,	Shelburne,
Dickson,	Swayne.

## NAYS—15.

Agnew,	Lawhon,
Atlee,	Lewis,
Cranford,	McKinney,
Dean,	Simpson,
Douglass,	Smith,
Goss,	Tips,
Hutchison,	Yoakum.
Jester,	

## EXCUSED—4.

Browning,	Whitaker,
Kearby,	Woods.

Senator Steele, voting "nay," stated that he was paired with Senator McComb, who was absent, and would vote "aye."

(Senator Lewis in the chair.)

By Senator Bowser:

Amend by striking out line 1 of engrossed rider.

Lost.

Section 2 read.

Section 3 read.

Section 4 read.

Section 5 read.

By Senator Atlee:

Amend section 5, by adding thereto: "Provided, the provisions of this article shall not apply to the corporations or companies mentioned in sections 1, 2 and 3 of this act."

(Lieutenant Governor Crane in the chair.)

Lost.

On motion of Senator Simpson,

Senate adjourned till to-morrow morning at 10 o'clock.

## EIGHTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 19, 1893.

Senate met pursuant to adjournment.

(Lieutenant Governor Crane in the chair.)

Roll called.

Quorum present, the following Senators answering to their names:

## PRESENT—28.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

## EXCUSED—3.

Browning,	Whitaker.
Kearby,	

The chaplain, Dr. Briggs, being absent, Dr. E. B. Wright, pastor of the First Presbyterian church of Austin, was introduced and prayed as follows:

Almighty and everlasting God, our heavenly Father: We thank Thee for Thy continued loving kindness and tender mercies. Grant unto this Senate the especial wisdom and guidance needed for the duties this day. May all legislation enacted beneath this roof be for Thy glory, for the conserving of good government and for the peace and prosperity of the people. Grant unto these, Thy servants, to be faithful even unto death, and after death to enter into the inheritance of Thy redeemed in glory forever. All this we ask for Jesus sake.

Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil, for thine is the kingdom and the power and the glory forever and ever. Amen.

Pending reading of the journal of April 18,

On motion of Senator Steele, the reading of the same was suspended.

#### BILLS AND RESOLUTIONS.

By Senator Yoakum:

Be it resolved by the Senate of Texas, That the Senate, on and after the commencement of the impeachment trial of the Commissioner of the General Land Office of the State of Texas, will not consider any legislation of any character whatever until the conclusion of said trial, except the general appropriation bill.

Senator Steele moved to refer the resolution to the Committee on Rules. Referred.

Senator Smith moved to reconsider the vote by which the resolution was referred.

Reconsidered.

Senator Smith moved to table the resolution subject to call.

Senator Yoakum moved as a substitute to lay on the table till to-morrow at 3 p. m.

Senator Smith accepted the substitute and same was adopted.

#### HOUSE MESSAGE.

##### HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, April 19, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bills, to-wit:

House bill No. 318, "An act to define the territory and to provide for establishing the boundaries of cities and towns in this State, and to validate the incorporation of any city or town heretofore incorporated in this State in certain cases."

Substitute House bill No. 340, "An act to amend article 3436 of chapter 1 of title 67 of the Revised Civil Statutes of the State of Texas."

And that the House concurs in Senate amendments to House bill No. 351.

And that the House refuses to concur in Senate amendments to House bill No. 577, and asks for a free conference committee, and appoints Messrs. Lloyd, Taylor, Kirk, McLemore and Urbahn as such committee on part of the House.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

#### IN SENATE.

House bill No. 569, being "An act to ascertain whether E. J. Baker, P. W. Walker, W. W. Abney, J. B. Walker,

J. G. Dodson and Steve Minton, or either of them, have a lien on certain land owned by the State of Texas in Navarro county."

Read first time and referred to Judiciary Committee No. 1.

Senator Crowley called up

Senate bill No. 54, entitled "An act to create a bureau of labor and labor statistics for the State of Texas, to properly designate said department and its head, and to prescribe the duties belonging and appertaining thereto," with House amendments thereto, and moved that the Senate do not concur in said amendments, and that the Senate requests a free conference committee.

The amendments not being forthcoming the bill went to the table.

By consent, Senator Lewis offered the following:

Petition from school teachers of the city of San Antonio praying for the passage of the House educational bill.

Read.

Pending business being

House bill No. 295, entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith."

On motion of Senator Atlee pending business was suspended and

House bill No. 681, entitled "An act to restore to and confer upon the county courts of San Patricio county the civil jurisdiction heretofore belonging to said county under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to said change," taken up.

Pending action, the Chair directed the Secretary to read the following memorial from the Middle Texas Teachers' association:

Whereas, the school law of the State of Texas as it now stands is very incomplete, inconsistent and comprehensive, and

Whereas, the House of Representatives of the Twenty-third Legislature has passed and sent to the Senate a bill that presents the school law altogether in a consistent and comprehensive form, making it plain where, in a great many instances, it is now obscure, and embodying some good features that are not in the law as it now exists; therefore be it

*Resolved by the Middle Texas Teachers' Association, now in session at Bastrop, That we do most respectfully petition the State Senate, now in session, to adopt the bill as it passed the House; and be it further*

*Resolved, That a copy of these resolutions be sent immediately to Lieutenant-Governor Crane.*

JAMES O. KEEFE, Secretary.

E. W. TARRANT, President.

The pending bill (House bill 681) was read second time and passed to its third reading.

Senator Atlee moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

Carried by the following vote:

YEAS—27.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.
Imboden,	

NAYS—none.

ABSENT—1.

McKinney.

EXCUSED—3.

Browning, Whitaker.  
Kearby,

The bill was read third time and was passed by the following vote:

YEAS—25.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Boren,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—none.

ABSENT—1.

Bowser.

EXCUSED—3.

Browning, Whitaker.  
Kearby,

On motion of Senator Goss, the journal of Monday was corrected to show on page 634, that his amendment to the miscellaneous department of the general appropriation bill was adopted.

Senator Imboden moved that the Senate insist on its amendments to

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in Cherokee county, Texas, for the purpose of catching or taking of fish therefrom," was passed and moved to table same, and that the House's request for a free conference committee be granted.

Carried.

Senator Smith moved to suspend pending business and take up

House bill No. 657, a bill to be entitled "An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act."

Carried.

The bill not being at hand, the Senate resumed consideration of

House bill No. 295, entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith."

Pending action, Senator Presler called up

Substitute Senate bill No. 143, "An act to provide for the payment by new counties of their proportionate share of the indebtedness of the older counties from which they were created, with House amendments thereto, and moved that the Senate concur in said amendments.

Concurred.

Section 6 of House bill No. 295 read,  
Section 7 read.

Section 8 read.

By Senator Douglass:

Amend by adding:

Sec. 9. The near approach of the end of the present session of the Legislature, and the great need of an efficient law on this subject, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the bill put upon its third reading and final passage.

Adopted.

The bill was then passed to its third reading by the following vote:

YEAS—24.

Agnew,	Lawhon,
Atlee,	Lewis,
Bowser,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Simpson,
Dickson,	Smeth,
Douglass,	Steele,
Goss,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

NAYS—3.

Baldwin,	Shelburne.
Greer,	

ABSENT—1.

Boren.

EXCUSED—3.

Browning,	Whitaker.
Kearby,	

On motion of Senator Douglass, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

YEAS—26.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—2.

Greer,	Presler.
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EXCUSED—3.

Browning,	Whitaker.
Kearby,	

Bill read third time and passed.

Senator Crowley sent up and had read House amendments to

Senate bill No. 54, entitled "An act to create a bureau of labor and labor statistics for the State of Texas, to properly designate said department and its head, and to prescribe the duties belonging and appertaining thereto," and renewed his motion that that the Senate non-concur in said amendments.

Senator Jester moved as a substitute that the Senate concur in House amendments to Senate bill No. 54.

Lost by the following vote:

YEAS—7.

Agnew,	Jester,
Boren,	Steele,
Douglass,	Tips.
Goss,	

NAYS—19.

Atlee,	McComb,
Baldwin,	McKinney,
Bowser,	Presler,
Crowley,	Shelburne,
Dickson,	Simpson,
Greer,	Smith,
Hutchison,	Swayne,
Imboden,	Woods,
Lawhon,	Yoakum.
Lewis,	

ABSENT—2.

Cranford,	Dean.
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EXCUSED—3.

Browning,	Whitaker.
Kearby,	

Senator Crowley's motion to non-concur and that a free conference committee be requested was then adopted.

Senator Atlee called up Senator Imboden's motion to reconsider the vote by which the Senate concurred in House amendments to

Senate bill No. 66, entitled "An act to amend sections 1 and 2 of an act entitled an act to prevent fishing and hunting on the enclosed lands of another, approved March 31, 1885," and moved to lay the motion to reconsider on the table.

Tabled.

On motion of Senator Imboden, the journal of Monday was corrected to show that the amendment adding Jefferson, San Augustine, Nacogdoches, Sabine, Jasper and Newton counties to the caption and body of House bill No. 577 (fish bill) was offered by Senator Greer.

Senator Hutchison called up

House bill No. 657, "An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the com-



missioners court with regard thereto; to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act," pending business having been previously suspended for the consideration of same, and the bill was read second time and passed to third reading.

On motion of Senator Hutchison the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—4.

Baldwin,	McKinney,
Douglass,	Swayne.

EXCUSED—3.

Browning,	Whitaker.
Kearby,	

Bill read third time and passed by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—4.

Baldwin,	McKinney,
Douglass,	Swayne.

EXCUSED—3.

Browning,	Whitaker.
Kearby,	

The Chair gave notice of signing, and did sign,

House bill 192, entitled "An act to authorize the State Treasurer to pay to the county treasurer of any county in this State any excess of subsidy taxes paid by such county, after the subsidy bonds of such county and interest thereon has been paid, and to

authorize the treasurer of such county to receive and receipt for same," and

House bill 687, entitled "An act to amend an act entitled an act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15 of the General Laws of the State of Texas, approved April 6, 1883, redistricting the State for judicial purposes, and to amend section 2 of chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to amend section 1 of an act passed at the regular session of the Twenty-third Legislature reorganizing the Fifteenth and Fortieth judicial districts and fixing the times for holding courts therein," after the captions of same had been read.

The Chair then announced the following free conference committees, to-wit, on

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in the county of Cherokee, State of Texas, for the purpose of catching or taking of fish therefrom,"

Senators Bowser, Simpson, Baldwin, McComb and Atlee.

On Senate bill No. 241, "An act to extend the time within which lands that have been sold for taxes and bought in by the State, cities and towns may be redeemed,"

Senators Swayne, Tips, Shelburne, Woods and Boren.

And on Senate bill No. 54, entitled "An act to create a bureau of labor and labor statistics for the State of Texas, to properly designate said department and its head, and to prescribe the duties belonging and appertaining thereto,"

Senators Crowley, Dean, Lawhon, Dickson and Simpson.

IN SENATE.

Substitute House bill No. 340, "An act to amend article 3436 of chapter 1 of title 67 of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 318, "An act to define the territory and to provide for establishing the boundaries of cities and towns in this State, and to validate the incorporation of any city or

town heretofore incorporated in certain cases."

Read first time and referred to Committee on Town and City Corporations.

By consent, Senator Yoakum sent up the following committee report:

COMMITTEE ROOM,

AUSTIN, TEXAS, April 19, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Public Lands, to whom was referred

House bill No. 286, entitled "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas, and lands that appear on the assessors' rolls as belonging to unknown owners,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

YOAKUM, Chairman.

BILLS ON THIRD READING.

The Chair laid before the Senate,

Senate bill No. 230, entitled "An act authorizing the board of trustees of the public schools of the city of Austin to sell a block in the city of Austin known as the Academy block, and to devote proceeds of the sale for purchasing building sites and erecting buildings thereon for public school purposes."

Bill read third time and passed.

The Chair laid before the Senate,

House bill No. 643, entitled "An act to regulate and restrict the execution of bonds by counties, cities and towns; to prevent funding of floating indebtedness; to prescribe a method by which all questions of irregularity in the execution of bonds shall be determined; to prescribe a rule of evidence in relation thereto; and to define and punish offenses committed in connection with the issuance of such bonds."

Bill read third time and passed by the following vote:

YEAS—16.

Agnew,	Jester,
Boren,	Lawhon,
Bowser,	McKinney,
Cranford,	Presler,
Dickson,	Steele,
Douglass,	Tips,
Goss,	Woods,
Imboden,	Yoakum.

NAYS—9.

Atlee,	Lewis,
Crowley,	McComb,
Dean,	Shelburne,
Greer,	Simpson.
Hutchison,	

ABSENT—3.

Baldwin,	Swayne.
Smith,	

EXCUSED—3.

Browning,	Whitaker.
Kearby,	

On motion of Senator Hutchison, Senator Smith was excused from attendance on the afternoon session of to-day on account of sickness.

Senator Goss' name being reached, he called up

House bill No. 85, "An act to regulate assignments for the benefit of creditors; to declare what acts shall operate as such assignments, and to prescribe rules for administering the same, and to provide penalties for violation of this act, and to repeal an act entitled an act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder, approved March 24, 1879; and to repeal an act entitled an act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder, approved March 24, 1879, approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith."

Bill read second time with favorable minority committee report.

Senator Yoakum moved to substitute the minority committee report for that of the majority.

After extended discussion,

On motion of Senator Crowley, the Senate adjourned till 3 p. m. to-day.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

No quorum, the following Senators answering to their names:

PRESENT—13.

Atlee,	Imboden,
Baldwin,	Jester,
Boren,	Lawhon,
Crowley,	McComb,
Dean,	McKinney,
Dickson,	Yoakum.
Hutchison,	

ABSENT—14.

Agnew,	Presler,
Bowser,	Shelburne,
Cranford,	Simpson,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Lewis,	Woods.

## EXCUSED—4.

Browning, Smith,  
Kearby, Whitaker.

Senator Imboden moved a call of the Senate, which was ordered, the following Senators answering to their names:

## PRESENT—25.

Agnew, Lawhon,  
Atlee, Lewis,  
Baldwin, McComb,  
Boren, McKinney,  
Cranford, Presler,  
Crowley, Simpson,  
Dean, Smith,  
Dickson, Steele,  
Douglass, Swayne,  
Goss, Tips,  
Hutchison, Woods,  
Imboden, Yoakum,  
Jester,

## ABSENT WITHOUT LEAVE—3.

Bowser, Shelburne.  
Greer,

## EXCUSED—3.

Browning, Whitaker.  
Kearby,

Senator Yoakum moved to suspend the call.

Suspended.

Senator Imboden moved that the Senate go into executive session on the Governor's appointments at once.

Senator Jester moved as a substitute that the Senate go into executive session to-morrow at 12 m.

Lost.

Senator Imboden's motion was then adopted.

The Senate then went into executive session.

(After executive session.)

In the executive session the following confirmations were had, to-wit:

S. R. Scott, of Falls county, to be judge of the Fifty-fourth judicial district of Texas, and J. B. Runyon, of Brazoria county, to be commissioner of pilots for the port of Velasco (mouth of the Brazos river).

Senator Jester called up

Substitute Senate bill No. 76, entitled "An act making appropriations for the support of the State government beginning February 28, 1893, and ending February 28, 1895, to cover deficiencies and for other purposes," on second reading.

By Senator Jester:

Amend by adding after line 33, page 35 of the printed bill the following: "For the pay of Dr. J. J. Tobin for furniture, stationery and other supplies furnished the court of civil appeals at Austin \$1599.88."

## Adopted.

By Senator Jester:

Amend by adding after line 33 on page 35, printed bill, the following:

"For the pay of C. Dahlich for articles furnished the court of civil appeals at Austin and repairs to the court room fixtures, \$287.35."

## Adopted.

By Senator Jester:

Amend by adding after line 33, page 35, of the printed bill the following:

"For the pay of the Texas Printing and Lithographing Company for furniture, stationery and other supplies furnished the court of civil appeals at Fort Worth, \$4194.25."

## Adopted.

By Senator Jester:

Amend by adding after line 33, page 35, the following:

"For payment of balance due parties for furnishing fuel and lights to the court of civil appeals at Galveston, the same being a deficiency debt, \$108.47."

By Senator Jester:

Amend for printing and distributing county superintendents' and county judges' and county treasurers' record books and other blank forms required by school officers and teachers, \$4000, \$4000.

For printing and distributing school laws, courses of study, circulars of information and instruction to school officers and teachers, \$1350, \$1350.

For postage, stationery, office furniture, files and binding, \$2000, \$2000.

For express, freight, telegraphing, books, periodicals and incidental expenses, \$1000, \$1000.

## Adopted.

By Senator Jester:

Amend page 35, after line 33, "for per diem and contingent expenses of the regular session of the Twenty-third Legislature, \$30,000."

## Adopted.

By Senator Crowley:

Amend by adding after line 33, page 35 "to pay S. Weinstein for services as special quarantine officer to nursing smallpox patients the sum of \$65."

## Adopted.

Senator Imboden called up his amendment which was pending on adjournment on the 17th instant, to-wit:

Amend the General Land Office appropriation by striking out "\$5000" and inserting "\$500" after the words "direction of the commissioner."

By Senator Goss:

Amend the amendment by striking out "\$500" and inserting "\$2000."

## Adopted.

The amendment as amended was then adopted.

Senator Imboden called up Senator Bowser's motion to reconsider the vote by which the amendment appropriating \$25,000 to erect a suitable monument to the memory of General Sam Houston was adopted.

Senator Baldwin moved to table the motion to reconsider.

Lost.

The motion to reconsider was then adopted.

Action being on the adoption of the amendment, Senator Simpson moved a call of the Senate, which was ordered, the following answering to their names:

PRESENT—24.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Lawhon,
Boren,	Lewis,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Steele,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

ABSENT WITHOUT LEAVE—3.

Bowser,	Swayne.
McComb,	

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

Senator Imboden moved to excuse the absentees.

Senator Baldwin moved to table the motion to excuse.

Lost.

The motion to excuse the absentees was then lost by the following vote, requiring a two-third vote:

YEAS—14.

Agnew,	Imboden,
Atlee,	McKinney,
Boren,	Presler,
Cranford,	Steele,
Dickson,	Tips,
Goss,	Woods,
Greer,	Yoakum.

NAYS—8.

Baldwin,	Jester,
Crowley,	Lawhon,
Dean,	Shelburne,
Hutchison,	Simpson.

ABSENT—5.

Bowser,	McComb,
Douglass,	Swayne.
Lewis,	

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

Pending business going to the table, the Chair laid before the Senate

House bill No. 422, "An act to amend title 12, chapter 1, article 389 of the Revised Penal Code of Texas," on third reading.

Bill read third time.

By Senator Tips:

Amend section 1, line 3, by striking out the words "Criminal Statutes" and insert in lieu thereof the words "Penal Code."

Adopted by the following vote:

YEAS—22.

Agnew,	Imboden,
Atlee,	Jester,
Boren,	Lawhon,
Cranford,	Lewis,
Crowley,	McKinney,
Dean,	Presler,
Dickson,	Simpson,
Douglass,	Steele,
Goss,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.

NAYS—3.

Baldwin,	Shelburne.
McComb,	

ABSENT—2.

Bowser,	Swayne.
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EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

By Senator Atlee:

Amend caption, strike out the word "Revised."

Adopted by the following vote:

YEAS—18.

Agnew,	Imboden,
Atlee,	Jester,
Boren,	Lawhon,
Cranford,	Lewis,
Crowley,	McKinney,
Dean,	Presler,
Dickson,	Steele,
Douglass,	Tips,
Goss,	Woods,
Greer,	Yoakum.
Hutchison,	

NAYS—3.

Baldwin,	Shelburne.
McComb,	

ABSENT—3.

Bowser,	Swayne.
Simpson,	

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker..



By Senator Atlee:

Amend section 1: Strike out in lines 17 and 18 on page 2 the following: "Without the consent of such asylum or institution of learning."

Adopted by the following vote:

YEAS—21.

Agnew,	Lewis,
Atlee,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dickson,	Simpson,
Douglass,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Jester,	Yoakum.
Lawhon,	

NAYS—1.

Baldwin.

ABSENT—5.

Boren,	Goss,
Bowser,	Shelburne.
Dean,	

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

Senator Yoakum moved that the Senate stand adjourned till to-morrow morning at 10 o'clock.

Lost.

By Senator McComb:

Amend by striking out the enacting clause.

Lost by the following vote:

YEAS—13.

Baldwin,	McComb,
Crowley,	McKinney,
Goss,	Presler,
Greer,	Shelburne,
Hutchison,	Simpson,
Lawhon,	Steele.
Lewis,	

NAYS—14.

Agnew,	Douglass,
Atlee,	Imboden,
Boren,	Jester,
Bowser,	Swayne,
Cranford,	Tips,
Dean,	Woods,
Dickson,	Yoakum.

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

By Senator Tips:

Amend section 1 by striking out the word "Revised," in lines 2 and 3.

Senator Crowley moved a call of the Senate on the pending amendment, which was ordered, the following answering to their names:

PRESENT—26.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

ABSENT WITHOUT LEAVE—1.

Bowser.

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

Senator Dean moved to adjourn to 10 a. m. to-morrow.

Lost.

Senator Imboden moved to excuse Senator Bowser from attendance on the evening session.

Lost by the following vote (requiring a two-third vote):

YEAS—15.

Agnew,	Jester,
Atlee,	McKinney,
Baldwin,	Steele,
Cranford,	Swayne,
Dickson,	Tips,
Goss,	Woods,
Hutchison,	Yoakum.
Imboden,	

NAYS—10.

Boren,	Lewis,
Crowley,	McComb,
Dean,	Presler,
Greer,	Shelburne,
Lawhon,	Simpson.

ABSENT—2.

Bowser, Douglass.

EXCUSED—4.

Browning,	Smith,
Kearby,	Whitaker.

Senator Yoakum moved to suspend the call of the Senate.

Senator Imboden moved as a substitute that the call be suspended on the appropriation bill.

Carried.

The motion as substituted was then adopted by the following vote:

YEAS—22.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Cranford,	McKinney,
Dickson,	Presler,

Douglass,  
Goss,  
Greer,  
Hutchison,  
Imboden,

Smith,  
Steele,  
Swayne,  
Tips,  
Woods.

NAYS—5.

Crowley,  
Dean,  
Shelburne,

Simpson,  
Yoakum.

ABSENT—1.

Bowser.

EXCUSED—3.

Browning,  
Kearby,

Whitaker.

Resuming consideration of the appropriation bill (substitute Senate bill No. 76).

Senator Yoakum moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

YEAS—9.

Atlee,  
Crowley,  
Dean,  
Greer,  
McComb,

Presler,  
Shelburne,  
Simpson,  
Yoakum.

NAYS—18.

Agnew,  
Baldwin,  
Boren,  
Cranford,  
Dickson,  
Douglass,  
Goss,  
Hutchison,  
Imboden,

Jester,  
Lawhon,  
Lewis,  
McKinney,  
Smith,  
Steele,  
Swayne,  
Tips,  
Woods.

ABSENT—1.

Bowser.

EXCUSED—3.

Browning,  
Kearby,

Whitaker.

Senator Jester moved the previous question on the amendment which was duly seconded and prevailed.

Senator Simpson moved a call of the Senate.

Senator Imboden made the point of order that the motion was not in order for the reason that the Senate was operating under the previous question.

Sustained.

The amendment was then lost.

Senator Baldwin moved to reconsider the vote by which the amendment was lost.

Senator Imboden moved to table the motion to reconsider.

Tabled by the following vote:

YEAS—16.

Boren,  
Cranford,  
Dickson,

McKinney,  
Presler,  
Smith,

Douglass,  
Goss,  
Hutchison,  
Imboden,  
Jester,

Steele,  
Swayne,  
Tips,  
Woods,  
Yoakum.

NAYS—11.

Atlee,  
Agnew,  
Baldwin,  
Crowley,  
Dean,  
Greer,

Lawhon,  
Lewis,  
McComb,  
Shelburne,  
Simpson.

ABSENT—1.

Bowser.

EXCUSED—3.

Browning,  
Kearby,

Whitaker.

By Senator Tips:

To improve the Capitol grounds, upon plans to be adopted by the Governor, Attorney-General and Superintendent of Public Buildings and Grounds, and to be expended under the direction of these officers within the next two years, \$25,000.

Senator Dean moved to adjourn to 10 a. m. to-morrow.

Senator Tips moved to adjourn to 9.30 a. m. to-morrow.

The vote occurring on the longest time first, the motion to adjourn to 10 a. m. was lost by the following vote:

YEAS—6.

Crowley,  
Dean,  
Lewis,

Shelburne,  
Simpson,  
Yoakum.

NAYS—19.

Agnew,  
Atlee,  
Baldwin,  
Boren,  
Cranford,  
Dickson,  
Douglass,  
Goss,  
Greer,  
Hutchison,

Imboden,  
Jester,  
Lawhon,  
Presler,  
Smith,  
Steele,  
Swayne,  
Tips,  
Woods.

ABSENT—3.

Bowser,  
McComb,

McKinney.

EXCUSED—3.

Browning,  
Kearby,

Whitaker.

The motion to adjourn to 9.30 was then lost.

Senator Yoakum moved the previous question on the bill and pending amendment, which was duly seconded and prevailed.

Senator Tips' amendment was then lost.

Bill ordered engrossed.

Senator Crowley moved to adjourn to 9.50 a. m. to-morrow.

Senator Dickson moved to adjourn to 10 o'clock to-morrow morning.

Senator Imboden moved to adjourn to 9.30 a. m. to-morrow.

The vote occurring on the longest time first.

The motion to adjourn to 10 a. m. to-morrow was lost.

The motion to adjourn to 9.50 a. m. was lost.

Senate adjourned to 9:30 to-morrow morning by the following vote:

## YEAS—18.

Agnew,	Lawhon,
Atlee,	McKinney,
Boren,	Presler,
Cranford,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Imboden,	Woods,
Jester,	Yoakum.

## NAYS—9.

Baldwin,	Lewis,
Crowley,	McComb,
Dean,	Shelburne,
Dickson,	Simpson,
Hutchison,	

## ABSENT—1.

Bowser.

## EXCUSED—3.

Browning,	Whitaker.
Kearby,	

## EIGHTY-SIXTH DAY.

## SENATE CHAMBER,

AUSTIN, TEXAS, April 20, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

## PRESENT—26.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	McComb,
Boren,	McKinney,
Bowser,	Presler,
Cranford,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

## ABSENT—2.

Crowley,	Lewis.
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## EXCUSED—3.

Browning,	Whitaker.
Kearby,	

Our chaplain, Dr. Briggs, being absent, by invitation chaplain of the House, Pennington, prayed as follows:

Our Father, who art in heaven, hallowed be Thy name, may Thy kingdom prevail and permeate all hearts until its principles shall become the principles of all human government. Bless the two branches of this Legislative body, and may the laws they shall pass be wise, and the investigations they may engage in be in justice to all parties, and for the good of our country. Forgive our sins and finally give us an abundant entrance into Thine everlasting kingdom, we ask for Christ's sake. Amen.

Pending reading of the journal of yesterday,

On motion of Senator Dickson, the reading of the same was suspended.

## COMMITTEE REPORTS.

## COMMITTEE ROOM,

AUSTIN, TEXAS, April 19, 1893.

Hon. M. M. Crane, President of the Senate: Your Committee on Finance, to whom was referred

House bill No. 411, entitled "An act granting permission to Sarah A. Nichols to bring suit against the State of Texas in the district court of Travis county to ascertain the amount, if any, the State is indebted to said Sarah A. Nichols, surviving widow of Quilla J. Nichols, on account of the construction of the General Land Office building of Texas."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

JESTER, Chairman.

Call concluded.

Senator Hutchison called up

Senate bill No. 158, entitled "An act to define who are fellow servants and who are not fellow servants, and to prohibit contracts between employer and employes, based upon contingency of the injury or death of the employe, limiting the liability of the employer for damages," with House amendments and moved that the Senate concur in said amendments.

Concurred.

Senator Agnew moved to suspend pending business, and take up

House bill No. 213, entitled "An act to amend article 573, chapter 4, title 7, of the Revised Code of Criminal Procedure of the State of Texas, and to add thereto articles 573a and 573b, providing for the appointment of a special judge of the county court in criminal cases where the county judge is disqualified."